

Exhibit 3

Excerpts from Deposition of Ronald Thames October 1 & 18, 2024

- *Pages 1-9*
 - *Appearances and indexes, Oct. 1, 2024*
- *Pages 44-47*
 - *Mr. Thames describes the corporate structure of FSP, including “wind-down mode”*
- *Pages 179-187*
 - *Appearances and indexes, Oct. 18, 2024*
- *Pages 420-431*
 - *Mr. Thames further describes FSP’s “wind-down mode”*

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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF SOUTH CAROLINA
3 CHARLESTON DIVISION

4 IN RE: AQUEOUS)
5 FILM-FORMING FOAMS)
6 (AFFF) PRODUCTS) MDL NO.
7 LIABILITY LITIGATION) 2:18-mn-2873-RMG
8 -----)
9 THIS DOCUMENT RELATES)
10 TO ALL CASES)

11 TUESDAY, OCTOBER 1, 2024

12 CONFIDENTIAL - PURSUANT TO PROTECTIVE ORDER

13 - - -

14 Remote videotaped deposition of Ron
15 Thames, held remotely at the location of the
16 witness in Atlanta, Georgia, commencing at
17 9:30 a.m. Eastern Time, on the above date,
18 before Carrie A. Campbell, Registered
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20 Reporter, Illinois, California & Texas
21 Certified Shorthand Reporter, Missouri,
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1 reason to dispute any of the testimony that
2 Mr. Barb gave at this deposition about FSP?

3 A. No.

4 Q. Okay. And do you recall that
5 one area that Mr. Barb testified about was
6 FSP's corporate structure?

7 A. No, I don't recall that.

8 Q. Okay. Well, I want to ask you
9 some questions, and we -- see if it's
10 consistent with what Mr. Barb has told us in
11 the past.

12 A. All right.

13 Q. How many employees does FSP
14 have today?

15 A. None.

16 Q. None. Okay.

17 A. Zero. No employees.

18 Q. So does FSP still exist today?

19 A. Currently, yes, but it's in a
20 wind-down mode.

21 Q. And what do you mean by
22 "wind-down mode"?

23 A. There's no sales being
24 generated through it.

25 Q. Okay. Well, and when did FSP

Page 45

1 enter wind-down mode, approximately? What
2 year?

3 A. I don't remember the exact time
4 of that.

5 Q. Okay. Before FSP entered
6 wind-down mode, roughly how many employees
7 did it have?

8 A. All together, about 21, 22, 25
9 total.

10 Q. Okay. And from the time it was
11 founded in 1999, did the number of employees
12 at FSP fluctuate from that, you know, 21, 22
13 number?

14 A. It did, yes.

15 Q. What's the most -- sorry,
16 strike that.

17 Were there times where there
18 were more than 21 or 22 employees at FSP?

19 A. Yes.

20 Q. And approximately what was the
21 maximum number of employees that FSP had from
22 the time it was founded until it went into
23 wind-down mode?

24 A. Around 31, 32 --

25 Q. Okay.

1 A. -- in that area.

2 Q. Okay. But either way, we can
3 agree that FSP was a relatively small
4 company.

5 Is that fair?

6 A. Yes.

7 Q. Okay. And as far as FSP's
8 corporate structure, were you at the very top
9 as the CEO of Fire Service Plus?

10 A. Yes.

11 Q. Okay. And within FSP, were
12 there various departments that existed
13 focusing on different parts of the business?

14 A. No.

15 Q. Okay. Were there employees
16 that focused on certain areas of the
17 business?

18 A. I want you to clarify that,
19 please.

20 Q. Well, I guess what I'm asking,
21 Mr. Thames, is, for instance, was there --
22 were there employees at FSP that focused on
23 sales?

24 A. Yes.

25 Q. Okay. And how many employees,

1 approximately, focused on sales at FSP?

2 MR. BUERMANN: Just objection
3 to form regarding time frame.

4 MR. CRONER: Okay.

5 QUESTIONS BY MR. CRONER:

6 Q. Well, I guess I'd ask, did the
7 number of employees focusing on sales at FSP
8 fluctuate between 1999 and the wind-down?

9 A. Yes.

10 Q. Were there -- well, what was
11 the maximum number of employees you had at
12 FSP that focused on sales at any given point?

13 A. Everyone in the company was a
14 salesman. In a small company, you don't --
15 you do have designated, but I'd say maybe six
16 or seven of us just on sales.

17 Q. Okay. And did those employees
18 report directly to you as the CEO?

19 A. Only if it pertained of
20 information I needed.

21 Q. Okay. And did you also serve
22 as a sales agent for some of FSP's direct
23 customers?

24 A. Yes.

25 Q. Okay. And were there employees

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

— — —

IN RE: AQUEOUS
FILM-FORMING FOAMS
(AFFF) PRODUCTS
LIABILITY LITIGATION

:
:
:
: MDL No.
: 2:18-mn-2873-
: RMG

THIS DOCUMENT RELATES :
TO ALL CASES :

— — —

October 18, 2024

— — —

CONFIDENTIAL -
PURSUANT TO PROTECTIVE ORDER

— — —

Continued remote videotape deposition of RON THAMES, taken pursuant to notice, was held at the location of the witness in Atlanta, Georgia, beginning at 9:09 a.m. Eastern, on the above date, before Kimberly A. Cahill, a Federally Approved Registered Merit Reporter and Notary Public.

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1 and see where we can, you know,
2 answer your questions without
3 violating it.

4 MR. CRONER: Well, I really
5 want to ask about another document
6 in this compilation.

7 MR. BUERMANN: Sure.

8 MR. CRONER: Could we skip a
9 bit ahead here to the page with
10 Bates ending 6213, please?

11 (Pause.)

12 THE WITNESS: What does that
13 say, sir? Blow it up so I can see
14 it.

15 MR. BUERMANN: It's not
16 there yet. Just hold on for a
17 second.

18 THE WITNESS: Oh.

19 MS. McNEILL: They're going
20 to blow it up.

21 BY MR. CRONER:

22 Q. And this is an e-mail
23 exchange between Steven Fletcher and John
24 Barb. You're cc'd on it. It's in June

1 2020.

2 And Mr. Fletcher, if you
3 look here, says: This will serve to
4 respond to FSP's e-mails of May 15th,
5 June 2nd and June 5th. NAVSEA is not
6 dealing with the Navy Acquisition
7 Integrity Office on FSP's behalf. It is
8 up to FSP to send NAI0 any correspondence
9 or documentation you wish NAI0 to have.

10 Then it says: We are not
11 satisfied with the level of information
12 that FSP has provided thus far regarding
13 identification of persons responsible and
14 the corrective actions taken against
15 them. Mr. Thames promised to provide
16 this information to NAVSEA and the TWH
17 based her temporary conditional
18 forbearance on the promises he made last
19 fall.

20 Do you see that, Mr. Thames?

21 A. Fair enough.

22 Q. Do you remember promising
23 NAVSEA at some point in 2020 to identify
24 the persons responsible for the

1 nonconforming mil-spec AFFF and the
2 corrective actions taken --

3 A. Every bit of it -- every bit
4 of it, and which I did, the second day to
5 the United States Navy.

6 Q. When you say the second day,
7 you mean second day after this e-mail?

8 A. No, sir, 2019, when I got
9 the first paper.

10 Q. That's when you made the
11 promise?

12 A. I found -- no, sir. I found
13 the mistake. Steven Fletcher misquoted
14 what he did here. He went back and redid
15 it and straightened it out.

16 This was talking about the
17 test parameters, had nothing to do with
18 the formulation. Steven Fletcher
19 involved -- he worked with John Farley.
20 He had nothing to do with the subject
21 over here. It's two different
22 directions. Yes, sir.

23 Q. Well, let's --

24 A. It's complicated. It really

1 -- George, this is very complicated,
2 George.

3 MR. BUERMANN: Ron, Ron,
4 please just wait for a question.

5 THE WITNESS: All right.

6 MR. CRONER: Just if we
7 could go to the next page, please?

8 BY MR. CRONER:

9 Q. And I actually want to go to
10 the bottom e-mail because it's actually
11 in reverse order.

12 This is another -- this is a
13 -- this is Mr. Barb's response three days
14 later on June 12th to Mr. Fletcher's
15 e-mail --

16 A. Yes.

17 Q. -- and he says: Stephen,
18 thank you. I supplied corrective action
19 moving forward implementing safeguards to
20 prevent future errors, double and triple
21 checking work, enabling existing team
22 members responsibility to holding each
23 other accountable to the portions of
24 quality/process they own. I am happy to

1 identify the current team and their roles
2 moving forward.

3 Then he says: Today the
4 language reads more like request for
5 disciplinary action. Is that correct?

6 Do you see all that?

7 A. I do.

8 Q. And then if we move up to
9 the top e-mail, this is Mr. Fletcher's
10 response and he says: JC, recommend you
11 consult with Mr. Thames as he is the one
12 that made the promises to NAVSEA
13 regarding identification and disclosure
14 to the Navy of the persons responsible
15 for the delivery of nonconforming AFFF
16 and the corrective actions FSP has taken
17 against them.

18 Do you see that?

19 A. Yes, sir.

20 Q. And so you mentioned testing
21 and formulation, but I want to focus
22 here. It seems that Mr. Fletcher's issue
23 is that you had made a promise to NAVSEA
24 to identify the people responsible for

1 delivery of the nonconforming AFFF and
2 what corrective actions the company was
3 taking against them; and according to Mr.
4 Fletcher, you didn't make good on that
5 promise.

6 A. That's not correct, sir. I
7 made good on that promise and --

8 MR. BUERMANN: Ron, there
9 wasn't -- Ron, there wasn't a
10 question. He didn't even ask a
11 question yet. He just made a
12 statement. Please wait.

13 THE WITNESS: I identified
14 it. Okay. Go ahead.

15 BY MR. CRONER:

16 Q. Well, I take it from what
17 you just said that you disagree that you
18 never filled this promise that Mr.
19 Fletcher's referring to; is that correct?

20 A. I want to be sure you finish
21 before I start. I don't want to be
22 interrupting.

23 Steven Fletcher was involved
24 in the mil-spec, sir. I immediately

1 found the problem that caused this
2 discrepancy, notified Mary Hunstad, who
3 was in charge, and Steven Fletcher was
4 under her.

5 Steven Fletcher was involved
6 with us setting up the proper procedures
7 with test pans and things of this nature
8 to test a mil-spec product of which we'd
9 never been shown.

10 But no, sir, I took full
11 responsibility for this mistake,
12 identified it, and we corrected it. 100
13 percent, I took full responsibility.

14 Q. So you said that you
15 identified the problem and I get that,
16 but that seems different than what Mr.
17 Fletcher is asking about. He seems to be
18 asking about who were the people that
19 were responsible for the delivery of the
20 nonconforming AFFF and what corrective
21 actions were taken against those people.

22 Are you telling me now that
23 you did that as well, that you fulfilled
24 that promise?

1 A. I did.

2 Q. Okay. And who were the
3 people that you identified?

4 A. My staff, we had a situation
5 where we had to test the product under
6 certain parameters that we did not know
7 of at this time.

8 What I'm trying to explain
9 carefully is two different things join
10 into one. Steven Fletcher was not hooked
11 up in the discrepancy. Even though he
12 mentioned it, it was out of his
13 jurisdiction.

14 However, he was in the
15 middle of it because he's involved in the
16 fire test with John Farley and I -- boom,
17 I had my legal team. I signed the thing
18 where I found the problem and it was
19 short fluorine, boom, identified it the
20 second day.

21 And there again, it was
22 going from a C8 to a C6 and one of them
23 being stronger than the other.

24 But anyway, identified the

1 problem, took responsibility, corrected
2 it, pulled the product back, the whole
3 nine yards, fixed it.

4 Q. We saw the reference to the
5 notice of proposed disbarment. What was
6 the ultimate result of the proposed
7 debarment? Was the company disbarred
8 from selling AFFF to the military going
9 forward?

10 A. Just like it said, sir,
11 potential debarment until it was
12 corrected. It was corrected, finished, I
13 had to pay my fine and that's the end of
14 it.

15 The conclusion was drawn up
16 by the DOJ who handled it. My team of
17 attorneys, all of us come together,
18 completed it. The debarment -- I've got
19 a letter from the United States Navy,
20 I'll be glad to send it to you, releasing
21 me from everything. You should have it.
22 Be happy to send it to you.

23 Q. Fair enough.

24 During the last session, you

1 mentioned that the company is currently
2 in I think what you called wind-down
3 mode --

4 A. Correct -- which company,
5 sir?

6 Q. Fire Service Plus.

7 A. Yes, sir.

8 Q. And did these events in 2019
9 and 2020 have any impact on Fire Service
10 Plus going into wind-down mode?

11 A. I want you to clarify what
12 "impact" means. I want you to identify
13 what you're asking me. Monetary or this?
14 I want you to clear it up for me.

15 Q. Well, let me ask it this
16 way: Absent these issues with the
17 nonconforming mil-spec AFFF, would the
18 company be in wind-down mode today?

19 A. 100 percent yes.

20 Q. And can you tell us what the
21 biggest contributing factor was to the
22 company entering wind-down mode?

23 MR. BUERMANN: I'm just
24 going to -- I'm just going to

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1 object and instruct Mr. Thames not
2 to testify as to any
3 communications with respect of his
4 attorneys relative to the
5 determination with respect to the
6 wind-down process.

7 You can answer.

8 THE WITNESS: I'm relying on
9 my attorney team to give me the
10 direction of our next decisions.

11 BY MR. CRONER:

12 Q. Does Fire Service Plus still
13 have the ability to sell AFFF to the U.S.
14 Government if it wanted to?

15 A. No.

16 Q. And why is that?

17 A. Based on what you just said,
18 we're in wind-down mode.

19 Q. So these events in 2019 and
20 2020 involving the nonconforming mil-spec
21 AFFF --

22 A. Yes.

23 Q. -- did they have a
24 significant negative financial impact on

1 the company?

2 A. Yes.

3 Q. And did that significant
4 negative financial impact lead to the
5 company making the decision to enter
6 wind-down mode?

7 MR. BUERMANN: Objection;
8 asked and answered.

9 You can answer.

10 THE WITNESS: Sir, there was
11 a lot of reasons why and I
12 presented it to my legal team to
13 help me answer that question; and
14 this one right now, I'm currently
15 not in a position to answer.

16 MR. BUERMANN: For the
17 reasons I stated, Andrew, the
18 attorney-client privilege, yeah.

19 MR. CRONER: Understood.

20 Well, let me take -- I think
21 I'm -- George, let me take a
22 five-minute break. We can
23 reconvene, but I'm pretty sure
24 that I'm finished here.